

Christine Joyce

6/10 (27) 260

From: Scott Mutch
Sent: Thursday, June 06, 2013 12:07 PM
To: Manager Department; Mark Hald
Cc: Katelin Downer
Subject: Site Plan Special Permit #07/26/10-428, First Amendment (232 Arlington Street)

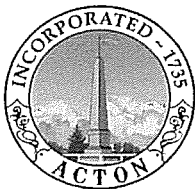
Please find enclosed the docushare link to the information for Monday, June 10, 2013 Board of Selectmen's meeting regarding Site Plan Special Permit #07/26/10-428, First Amendment. The Site Plan Special Permit is for an enlargement of an existing deck structure. The Amendment is specifically for 17 Spruce Street, Acton, MA. The original Site Plan Special Permit Decision was approved and issued for property identified as 232 Arlington Street, Acton, MA. The link is as follows:

<http://doc.acton-ma.gov/dsweb/View/Collection-5416>

If you have any questions, comments or concerns regarding this matter, please feel free to contact our office at (978) 929-6631, Monday through Friday (except for holidays) between the hours of 8:00 am and 5:00 pm. Sincerely,

Scott A. Mutch
Zoning Enforcement Officer & Assistant Town Planner
Town of Acton
Planning Department
472 Main Street
Acton, MA 01720
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Site Plan Special Permit #07/26/10 – 428
1st Amendment
232 Arlington Street
June 10, 2013



Board of Selectmen

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**First Amendment of Site Plan Special Permit
DECISION
#07/26/10 - 428**

Linda C. Dempster & Eileen B. Hunt

Site Plan Special Permit
232 Arlington Street
June 10, 2013

GRANTED

First Amendment by the Acton Board of Selectmen (hereinafter the Board) of the Board's original Decision #07/26/10-428 issued to West Acton Trio, LLC, filed with the Town Clerk December 7, 2010 and recorded in the Middlesex South Registry of Deeds, Book 57406, Page 124 through 131 (hereinafter the Original Decision).

This Amendment is in response to a request from Linda C. Dempster & Eileen B. Hunt, 17 Spruce Street, Acton, MA 01720 (hereinafter the Applicant), for property located at 17 Spruce Street in Acton, Massachusetts, owned by Linda C. Dempster & Eileen B. Hunt, 17 Spruce Street, Acton MA 01720. Said request seeks approval to expand and approximately double the overall size of an existing deck. The property is shown on the 2007 Acton Town Atlas map F-2A as parcel 70 (hereinafter the Site).

The Board reviewed the applicant's request during a public hearing on June 10, 2013. Board members Janet Adachi (Chair), Mike Gowing (Vice Chair), Katherine Green (Clerk), David Clough and John Sonner were present throughout the hearing.

The minutes of the hearing and submissions upon which this First Amendment Decision is based upon may be found and referred to in the Town Clerk's office or the office of the Board at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 An application requesting a Site Plan Special Permit Amendment consisting of the following items and documentation:
 - Cover letter from property owner's Linda C. Dempster & Eileen B. Hunt explaining said amendment request;
 - General overall Site Plan entitled "Parking Assignment Plan "Spruce Corner"", prepared by Foresite Engineering, 16 Gleasondale Road, Suite 1-1, Stow, Massachusetts 01775, and dated July 21, 2011;
 - Four (4) colour photographs depicting existing deck and proposed area of enlargement.
- 1.2 Original Site Plan Special Permit Decision #07/26/10 - 428.

Exhibits 1.1 through 1.2 are hereinafter referred to as the Plan.

2 FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located within the West Acton Village (WAV) zoning district and Groundwater Protection District Zone 4 with the southeasterly tip in Zone 3.
- 2.2 There is a small pocket of wetlands located in the southeasterly corner of the property.
- 2.3 There is currently a deck which exists on the rear of the dwelling which is approximately 120 square feet in size.
- 2.4 The proposed deck expansion would approximately double the overall size of the deck.
- 2.5 The proposed expansion would comply with the dimensional requirements of the Zoning Bylaw.
- 2.6 The proposed deck expansion is de minimus in nature.

3 BOARD ACTION

Therefore, the Board voted unanimously on June 10, 2013 to GRANT the requested Site Plan Special Permit First Amendment subject to and with the benefit of the following conditions and limitations.

3.1 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render the Site Plan Special Permit First Amendment that is granted with this Decision null and void, without force and effect, and shall constitute grounds for revocation of this Site Plan Special Permit First Amendment, and of any building or occupancy permit issued hereunder. The Town of Acton may elect to enforce compliance with this Site Plan Special Permit First Amendment using any and all powers available to it under the law.

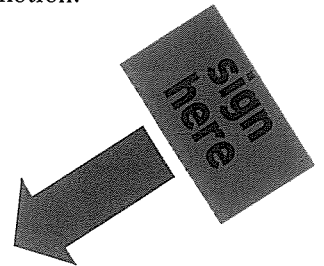
- 3.1.1 The Applicant shall ensure that this Decision is promptly recorded at the Middlesex South District Registry of Deeds or the Land Court. Proof of recording shall be forwarded to the Zoning Enforcement Officer prior to the issuance of any building permit for work on the Site, or prior to any Certificate of Occupancy for the Use, whichever occurs first.

4 LIMITATIONS

The authority granted to the Applicant under this Site Plan Special Permit First Amendment is limited as follows:

- 4.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw and the Rules.
- 4.2 This Site Plan Special Permit First Amendment applies only to the Site identified in this Decision and to the limited matter before the Board. Except as expressly stated herein, the Original Decision shall remain in full force and effect.
- 4.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this Site Plan Special Permit First Amendment with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

The Town of Acton Board of Selectmen



Janet Adachi, Chair

Date Filed with Town Clerk

Eva K. Szkaradek, Town Clerk

Copies furnished:

Applicant -
certified mail #
Town Clerk
Fire Chief
Owner

Building Commissioner
Town Engineer
Conservation Administrator
Police Chief
Assistant Assessor

Health Director
Municipal Properties Director
Town Manager
Acton Water District
Planning Department